

PRESENT: David Reilly, Chairman
Ralph Neubauer
Rocco LogoZZo
Michael Schermeyer
Larry Jones

Ron Hill, Village Engineer
Britton Bistran, Village Planner

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

WESTHAMPTON BEACH PLANNING BOARD AGENDA THURSDAY JUNE 22, 2023, 5:00 P.M.

Mr. Reilly called the meeting to order at 5:00 p.m. Mr. Reilly stated that one our members was out for health reasons and the Board would like to welcome him back.

Mr. Reilly asked everyone to please rise to salute the flag.

There were no decisions for the meeting. Ms. Mackie began calling the public hearing applications to order.

DECISIONS: NONE

PUBLIC HEARING AGENDA:

SITE PLAN REVIEW:

1. RICHARD OLIVO-72 SOUTH ROAD SCTM#905-8-1-27
 - a. Continued work session on Subdivision approval to subdivide a 49,823sf parcel into two equal lots of 24,912sf for single-family dwelling use to review and adopt SEQRA determination.

There was a SEQRA determination on the application and the determination was adopted by the Board.

2. SUNSET WEST LLC, 87 SUNSET AVENUE SCTM#905-12-1-49.1
 - a. Continued work session for Modification to Phase II of Site Plan Approval for change of occupancy of the approved 2-story building (6,000 sf) from retail/office to single medical office use.

James N. Hulme, Esq., appeared on behalf of the application. He said since their last discussion they submitted a modified site plan and they changed the plans to add for 10 parking spaces for the building. We have eliminated the Phase III building which absorbs three spaces and converted the grassy area to a parking space to provide sufficient parking necessary for the use. We have identified a location for the dumpster.

Mr. Reilly asked if Mr. Hill or Ms. Bistran had any concerns.

Mr. Hill said just the drainage basin and whether it will conflict with the septic system. I don't know where it was put.

Mr. Hill said they will find it.

Mr. Hammond said we are still before the Department of Health until the Code is changed, so we have to find out where they are with that?

Mr. Reilly asked if the layout is acceptable?

Mr. Hammond said yes, the BOT are happy and they have to issue a special exception permit.

Mr. Reilly said I prefer it with one less building.

Mr. Pasca asked if the change to the parking lot is engineered or not? Has the drainage been dealt with to take grass into pavement.

Mr. Hill said we should verify the calculations and it was supposed to be a building and that would be included in the roof drains and it's not enough to dig up and put in another basin.

Mr. Pasca said it was done in contemplation of a building, and will it trigger the lighting plan because of the Code change. This was done before the new lighting code was adopted, so it forces us to look at it and the Planning Board has discretion to waive compliance with the new code.

Mr. Hulme said we're not proposing a new building, it's a subtraction, and the other will house the use we were talking about.

Mr. Hill said there could be an issue with the lighting, and that building had down lighting and now it will be parking that may need to have parking lot lighting so there may need to be a fixture in place of the building and I think my comments said we needed to confirm the lighting where the new building is going and I talked about that.

Mr. Hulme said do we need to eliminate the spots?

Mr. Pasca said you have to look at it as a standard to try to get it as compliant as you can. It's prominent and the lighting should be up to Code.

Mr. Hill said it probably is, the posts should be in the right place except for where the building is being eliminated.

Mr. Hulme said I will look at it.

Mr. Hill asked if the sanitary was put in when they originally constructed this?

Mr. Hulme said no there is a new sanitary plan for this. The Health Department Code has changed as well.

Mr. Hill said the basin we don't know about, you may not know until you start to dig we may, in the end want to prove it not knowing where it is we have to resolve it during construction.

Mr. Hulme said okay.

Mr. Hill said it has to be 20' from the sanitary system.

Mr. Hammond said it will be part of the green stamp approval, their inspectors will check over the distances.

3. 32 MILL LLC-32 MILL ROAD SCTM#905-12-4-50

- a. Initial work session on Modification of Site Plan approval to convert a second floor office to a dining room to provide alternate seating for the existing 15-seat luncheonette

Ms. Mackie called the application and stated that before they began the hearing, she wanted everyone to know the procedure. She told the applicant, objectants and members of the audience that the applicant would make their presentation; the Board would engage with just the applicant and then the Chairman would open the hearing up to the public for comments. They would call people one at a time, she assured the public that whomever wishes to speak will be given the opportunity but they must remain in their seat until it is their time and when they are called to speak they must give their full name and address for the record, if not you cannot speak to the public comments. She said that they cannot shout from their seats and they are to direct all comments to the Board not the applicant or anyone else. If people being heckling or shouting from the audience the meeting will be stopped and participants will be asked to leave if their behavior gets out of line.

Mr. Reilly asked everyone to please remember that and he said he will end or limit the public comment if the meeting becomes unruly.

Erin Finley and David Blydenburgh appeared on behalf of the application. Ms. Finley said she is attempting to make this precise and clear. I want to be clear that everyone has the background of this property; after years of operating in the Village and building two businesses and I misjudged and forgot this administration is approachable, and I should not have based my experiences on the past. I did not consider my relocation of 8 seats to impact my operation from any agency including this Board. I have watched the Village grow, permitting expansion, outdoor seating and outdoor dining and I am for all of the expansion and it has progressed fabulously and I was hoping to contribute to this with my new venture. After my first meeting with the building inspector it was determined that I needed to change the use; immediately following that I applied to this Board. And I am applying to bring my property into compliance and I am asking to receive temporary uses and I'm hopeful to reach a solution that works for everyone. You have close to 100 testimonials and I ask you to consider them. I currently employ 4 employees and I have calculated the tax revenue and we have donated over \$20,000.00 and we're drawing in people from surrounding communities and other communities at quite a distance and the feedback has been positive. We are open year-round, we have not closed, if we close for two weeks in January it was over four years ago and we maintain at a loss in the Winter to keep the business open. We are using what is literally called out in the revitalization plan and it's not a disturbance to anyone, and I understand it has to be permitted and changed and I wish I thought it through but I did not and I jumped on the bandwagon and was thrilled and I'm applying in the backward. In anticipation, I won't bring up, because you are the Board to review my site plan; in anticipation of my opposition I would like to refamiliarize this Board, when we bought the property to relocate to this location, I did due diligence, I researched the uses and the zone and I met with the Building Department then and I pursued the venture and the one thing I didn't do was interview my neighbors. However, back in 2014 we made concession after concession for the neighbors, we increased fence sizing by 2' on the side and back and we moved our dumpsters and we gave up two parking spaces and we've caused a nodule in parking and in to more expense we split the exhaust fan system and we did it to be a good neighbor and I'm still trying to be a good neighbor. I have a hard time understanding what we were able to do 25 seats on the front lawn; dinner four nights a week and taking it entirely inside, reducing it to 8 people and keeping it in a more remote, more secluded closed door area to be a disturbance. I have had a conversation with a local resident and he said you don't buy a house next to a golf course and complain that there are golf balls in your yard. I shouldn't cringe when customers walk out at 6:00 p.m. that the police will show up for a noise complaint. The police report say there is no noise, as much as my neighbors should be able to enjoy their property I should be able to too. And it gets police phone calls, and I know there are other problems. I just ask you do not let that sway your decision and it is not a noisy establishment at all. I do have copies of things, and do you have questions.

Mr. Reilly asked Ms. Bistran and Mr. Hammond to comment on the application.

Mr. Hammond said so as Ms. Finley stated; the application was precipitated from a violation. The application is just the one dining room it doesn't talk about parking, sanitary or the floor plan upstairs and we know from the 2014 site plan approval this was a storage room that's now a dining room and our question is how does this add up; and you say you're taking seats from outside and downstairs and that's important to review the impacts. Is it 15 seats going up to 23, or is it 15 in total. What is the site plan, what are we reviewing?

Mr. Neubauer asked if there is a site plan? I don't have one in my packages.

Mr. Hammond said it's the applicant and a copy of the BOH application, and the floor plan for the sushi suite and there is nothing else; there is no full floor plan with this submission. There is a site plan and I don't think it's the final because the dumpster is not in its exact location, but we have the 2014 site plan downstairs.

Ms. Finley said it was an office, and swapped in April 2014; storage is in the other room.

Mr. Hammond said that does matter, if it's a change it matters everything requires different parking and that has to be clarified we do need a complete floor plan.

Mr. Hill said there is on change to the physical site plan proposed; we have to rectify the site plan the parking and we're changing the use from office to a restaurant and that's calculated at 1 space per seat plus employees and the office is calculated less. The restaurant will require more parking and it could extinguish the seating below and we need a floor plan showing what is being deleted but the bottom line is there is 18 parking spaces and we need to see how that will comply.

Mr. Finley said we were required to have 16 and we have 18.

Mr. Hammond said there are 16.4 on the approved site plan.

Ms. Finley said we built it to 18 parking spaces.

Mr. Logozzo said this is simple from a floor plan perspective? We're talking about a change of use existing seats and parking issue.

Ms. Bistran said yes. There is a path to approving this modification but it requires calculations of the parking and septic and the use; we don't know the seating and each seat has an impact and if someone submits that to review we can, but we don't have anything comprehensive to review. Once we review a site plan we can review we will process this.

Mr. Reilly said for clarification, we do not do temporary approvals of this type?

Mr. Hammond said yes. There is not temporary with planning. As we discussed getting a head start on a permit and demo is practical but there is not temporary CO that is the Code; I can't skip over sections of the Code and give a temporary use and its one thing to be under construction but I don't have the power to jump to a CO. The seasonal outdoor dining is within the Code and nothing impacts permitted outdoors and its temporary and that's allowed to be issued by the Trustees.

Mr. Neubauer asked if Mr. Pasca sees a temporary CO being issued.

Mr. Pasca said no, and it doesn't fall under a waiver of site plan.

Mr. Reilly said your application is incomplete. You do not show precisely what you have versus what your proposing. Are you adding them or swapping them. The application doesn't provide it. What type of seats are you swapping, they need to know the use precisely and the number of seats so we can figure out the sanitary and we don't have sufficient information to proceed forward.

Mr. Pasca said this site plan predated the 2018 lighting code so any time it is triggered it's supposed to comply with the current lighting code and without looking at compliance to the 2018 I don't know how to make that call.

Mr. Neubauer asked if they need a lighting plan?

Mr. Pasca said we need information on how compliant it is with the 2018 Code.

Ms. Finley said you need a lighting plan to swap seats?

Mr. Pasca said if it's compliant you can demonstrate that, but we don't have information for that.

Ms. Finley said the lighting was put in as per the 2014 Lighting Code

Mr. Reilly said this is a procedural issue, we're not passing on the merits of the application. We don't have the requisite information to review.

Ms. Bistran said she needs the applicant to submit a full first floor plan; second floor plan; parking plan; and septic calculations.

Ms. Finley asked if they are swapping seats how do the seats change.

Mr. Hill said you have to show how you're not using the seats, which seats are you not using.

Ms. Finley said there is a one hour overlap and it will be closed.

Ms. Bistran said you will show 7 seats on the first floor, 8 seats on the second floor? We don't have anything to review. Seating impacts parking, and then impacts septic.

Ms. Finley said if we're swapping seats then it remains the same.

Mr. Pasca said you have to make the application, if your theory is swapping you have to explain that. You have a CO for a 15 seat luncheonette, and you have to explain how you're making this work. You have one kitchen are you using that for both? You have to make a case for how that works.

Ms. Bistran said it's the same thing you provided to the Department of Health, you have to submit that approval to this Board.

Ms. Finley said okay.

Mr. Reilly said if you are not clear, you have to reach out.

Ms. Finley said she will provide that.

Mr. Reilly asked people along the wall to take a seat, please.

Kim Wulfersdorf, 17 Beach Road appeared in opposition; she is speaking on behalf of McDaid and Merle family. We are the contiguous neighbors to this property. This is not an issue of what is a fun or popular idea. This is an issue of what is allowable and appropriate by current code in the Hamlet Commercial district. If I used my property to open a pot dispensary it would be incredibly popular with a certain group of people. But my neighbors would not appreciate that, and it would not be allowable under the code. The Village requires that the neighbors be notified of these applications and meetings two weeks in advance because we have a real stake in what is happening here. This property touches ours. We hear the noise, smell the smells, and deal with all the repercussions of being so close. This is why we are afforded the opportunity to make our case to the Board. A quick look through the letters of support solicited by Erin revealed that most were from people who do not even live in our village. Those who do are not within a even a block. Why should people who live in Hampton Bays, Mastic, NJ, and CT have a say in what happens 60' from my house or 90' from the Merle's? Our residential uses here are preexisting. The Merle family dating back to 1957! Erin is the one who chose to come here and change a professional office into a commercial use. Then she expects to operate like it is the B1 Business District. And now acts surprised when we push back. The Hamlet Commercial Zone was created as part of the Masterplan to be a transitional zone between the two. The intent was for it to be less commercial, less intense, and 10 x more restrictive (if you look through the table of use regulations and compare B1 to HC). Our Village Board may want to change the code to favor more business, but they have not yet. They cannot selectively enforce the code as written based on who they are friends with.

Our current code and the covenants on the property at 32 Mill Road are clear. Erin signed the agreement back in 2014 that said that if she wanted any changes to her seating plan consisting of 15 seats and seven tables, she **MUST FIRST** submit a revised Site Plan application to this Board. And that any additions, alteration or changes to the Site Plan shall require further Site Plan approval by the Planning Board **AND UNEDERTAKING ANY ADDITIONS, ALTERATIONS, OR CHANGES WITHOUT PLANNING BOARD APPROVAL AND THE ISSUANCE OF A BUILDING PERMIT SHALL CONSTITUTE A VIOLATION OF THE APPROVED SITE PLAN AND THE APPROVED SITE PLAN SHALL BE DEEMED NULL AND VOID.** Failure to enforce shall not be deemed to affect the validity of this covenant. It is indisputable that Erin has done all these things. She's changed her seating plan without approval and made alterations and changes without planning board approval or building permits. She also does not have approval from the Office of Wastewater Management, Department of Health, or State Liquor Authority. We believe that to be by design. She knew that this would not be permitted or approved. We pose that she intended to delay and drag this process out as long as possible while continuing to operate with cover from her friends on the Village Board to make as much money as possible this summer and deal with the consequences if any later. We have been through this before with Erin at this property. She has a history of doing things without proper approval and a little behind the scenes assistance. She used to violate her lease on Main Street to serve dinner, just because she wanted to. She cannot claim ignorance at this point and publicly states her intent to just keep operating. She applied to create Taylor Sushi LLC. Back in March so why didn't she apply for any of her permits back in March too? What about the business that take the time, money, and effort to do things the right way? Tonight, before the Board she is claiming to be swapping seats or giving up seats or whatever you will buy. It's a logical fallacy! If

her intention were to swap seats why not just use the downstairs dining area? Sydney's by day and Sushi by night? That's a whole lot of expense and code violating to just swap seats. I believe that she will continue to use all the available seats downstairs in addition to those upstairs as soon as no one is looking. Erin submitted this application on June 2nd. One week later her own advertisements contradict this swapping idea. She advertises through social media that on June 9th she's hosting ten people for dinner upstairs with ten in a ceramics class downstairs. That's use of both spaces at once. Then on June 4th 11th and 18th she's advertising Sunday brunch to be served "inside or outside on our covered porch" and goes on to state "brunch service will commence again in the fall". Showing that she definitely does not have any plans to discontinue downstairs dining in exchange for upstairs only. At the end of that advertisement, she states that you can have a 30-50 person sit down dinner party in her beautiful sunroom (that's on the first floor). Again, this shows that she has no intent to discontinue use of the downstairs dining area in favor of the second floor. What happens if she books a 30-50-person dinner party while having 3 or 4 seatings of 8-10 people in the sushi restaurant on the second floor? Her C.O. and site plan do not allow for 30 - 50 person parties yet she has been advertising them for years. She has also advertised that when her patrons are done with their 90-minute sushi experience that they are invited to have cocktails on the roof deck. So that means there could be a full contingent at the sushi bar, several people drinking on the roof deck, and a private party on the first floor? Don't forget the 8-9 seats around the firepit out front. That is a nighttime activity too, so there could be more people down there. Plus, the catering kitchen working on an offsite party. This is without a doubt expansion of her business! This new sushi restaurant is being advertised with hours of operation as late as 12:30am! Back in 2014 Erin swore that her hours of operation would be from 9:00 A.M. to 10:00 P.M. Today I spoke with the head fire protection engineer where I work who is also the head of the ADA committee that I sit on. He said that state code requires a new public facility to be accessible regardless of size. What would happen here if someone with a mobility issue made the required pre-paid reservation only to find that they could not access the sushi bar? They'd have a lawsuit. We also discussed the requirement for two forms of egress directly to the outside that meet code for width and rise over run for fire safety in a building that isn't sprinkled. These items along with the other safety issues about the electric and structural integrity that I addressed in my letter of notice to the village go unanswered. That is because she has not submitted any design drawings by a registered architect or engineer to the building department or this board. There have been no inspections of the work done to convert this once bedroom then storage/office into a restaurant. For the five weeks since May 17th Erin has been operating the new sushi restaurant on the second floor in violation of a stop work order from the building department and without a certificate of occupancy for the space. The stop work order and a keep out uninhabitable sticker were posted on the door to the second-floor restaurant and ignored by everyone dining and working there. This includes trustee Rubio and his wife when they dined there three times. This was visually verified by my neighbors, by his wife's own admission in her Facebook post, and letter of support. We find this incredibly disturbing as it smacks of unethical favoritism. She has also made use of the roof deck as advertised. Has that deck been inspected for commercial use? Due to this expansion into the second floor, we have experienced: increased noise from the parking lot at later hours. Consistent use of the roof deck with loud conversations and reverry into the night. Public urination into the hedges on the Merle property. My neighbors had to watch through their living room windows as a man faced them behind the hedge and urinated into their property. This is absolutely impairing the peace and comfort of adjacent properties. And aren't we entitled to the quiet enjoyment of our properties? The surrounding homeowners to Taylor's Sushi are being harmed directly, to their properties, and property values, as well as, harmed personally by being robbed of quiet enjoyment in their homes. This drama started with a report to the building department. We were then told that due to the business hours of that department we had to call the police for enforcement regarding continued violations. Hugh Merle and I spoke with both Brad Hamond and Chief McManus in person and via email about this situation several times. We are not wasting their time. Those violations are documented and will be useful in court next week and potentially in other matters as well. Our calls to the police have been split between the violation of the do not occupy order AND noise. Unfortunately, though I can swear here before you that the disturbance is very real, they must be able to see the police approaching from that upper deck because it stops when the police arrive. My neighbors watched this happen three times in one night. On the last call my neighbor got so angry that she waited on her front porch to be interviewed by an officer, but they never came. This is incredibly frustrating for us and them. Both departments have done

what they can, but enforcement on someone so desperate and defiant is nearly impossible. She is making a mockery of our code. This will likely lead to legal action and a court proceeding. Given the problems we have encountered seeking enforcement now I can't imagine how a seat swapping or forfeiture could be enforced in the future. She might comply with the idea for a little while, but I guarantee you we will windup back in the same enforcement death spiral. Beyond that how many uses are there going to be on this property? First, she has the catering company that operates at night and was the biggest problem with this business location until now. They create such a racket unloading after an event and then party on the roof deck late at night. Second, she has the market and café which we had been coexisting peacefully with for the past few years. Her application calls out an SAT prep company using one of the offices on the second floor. That would be a third use. And now this new venture she's calling Taylor's Sushi. That would be expansion into a fourth use. In March she applied for an LLC. In that name so it will be a separate entity. We contend that she does not have adequate parking for all these uses by current code. 200 S.F. v 250 S.F.

1. FIRST FLOOR RETAIL: 239 S.F. / 200 S.F. PER CAR = 1.195	2	
2. FIRST FLOOR DINNIG: 15 SEAT / 3 = 5	5	
3. FIRST FLOOR EMPLOYEES: 7 @ 1 PER = 7	7	
4. SECOND FLOOR OFFICES: 743 S.F. / 200 S.F. = 3.75	4	
5. SECOND FLOOR DINING: 8 SEATS/3 = 2.66	3	
6. SECOND FLOOR EMPLOYEES: 2 @ 1 PER = 2	2	4
TOTAL	23	25

She has 18 parking spaces now. If this Board really did deem her site plan null and void and she had to meet current code none of this would be possible. She does not meet the required rear yard requirements. This means that we are all closer together than HC calls for. There are four parking spaces forward of the building. Those would not be allowed today. She exceeds the 60% lot coverage by 2,000sf. That would cost her another four parking spaces along with the four in the front yard. And the building is over 3,000 sf. I realize that these are all grandfathered in. They do however mean that she is expanding the use of a nonconforming site. Any expansion this board allows now will also be grandfathered in and we will have to live with the repercussions for decades. We have been made aware that Erin is in foreclosure on her home. Her financial problems are of paramount concern to us. She has placed this business up for sale once before and logically may do so again. If she sells to a new owner with deeper pockets and grander ideas what then? Is the village in the business of propping up failing businesses at the expense of homeowners? Do we have to come every year and fight a new use at this location? We are begging this board to take some immediate action. Stop the use of the second-floor space until these issues are resolved. Then please take meaningful action to mitigate this nuisance permanently irreversibly for us. Whether that is removal of this second-floor restaurant, removal of the roof deck and the planting of mature evergreens along the Merle property, or making the covenants mean something and bringing the site plan closer to compliance with current code to prevent more expansion.

Mr. Reilly said a lot is an enforcement issue and not our jurisdiction; some of it and informative doesn't fall within our discussion. We are discussing the site plan before us.

Roy Daleo, 127 Beach Road. I know everyone involved you should have stopped when this became personal and you are wrong and I want that on record.

Mr. Reilly said that's your opinion I have been here for years. You don't get anywhere by yelling at the Board, you're not winning points. I give everyone a time to speak, and I did interrupt and everyone can disagree and if you disagree I respect that.

Mr. Daleo said I hope there is action taken by Erin and David.

Mr. Reilly said this is a public hearing and Ms. Finley has the opportunity to respond.

Ms. Finley said she knows that Mr. Merle is here and she should have something in writing that she represents the McDaid's.

Andrew Peral, Quogue Resident and I visit Westhampton Beach and I try to avoid driving to Riverhead. I'm in favor of this plan and what they plan to do and I contribute to the community quite fulsomely and I'm a member of the fire department and I have inspected the premise and it is safe to use and fire code updated, and we ask to be on the next agenda.

Mr. Reilly said we don't hold over, this will remain on the agenda. We have to receive the material 10 days prior to the next meeting.

Ms. Bistran said if we receive the submissions by July 2, they will be on July 13.

Mr. Peral said if there was hearsay and they should be given the appropriate discount.

Mr. Reilly said we do not operate under rules of evidence.

Stacey Rubio, 244 Mill Road and I was mentioned and I feel it fair for Rob Rubio, yes I am friends with the applicant and as far as use as the sushi suite, Rob has never been there.

Karl MacDonald, 2 Fairview said he wanted to say he is for dining experience and nightlife and I don't live next to it and I did own an establishment in this Town and the support from the government was exceptional and without COVID I would be there; I think the residents appreciate the additions to this Village.

Carolann Dipero, 17 Liberty Street said she is the person who operates the tutor and test prep office at the location. My business requires quiet and I work after school hours in the evenings and weekends and I'm congruent to the sushi suite and I was concerned there would be noise and I'm happy to report that I haven't had any noise. I rent and my business is in the Business District and there is no noise, and problems and I haven't experienced anything and I am there at night. There was an allegation of people who are far away, and I do not leave there but I have not experienced noise or smell or parking issues and it has been a non issue. As a long time local, and a current local I support the growth of local business and to do and for a long time there were offices you can't base life on offices and I want restaurants and things for kids to do and wholesome activities and I support restaurants and bars and it's a business district and that's what it is and was. Dr. Mearle had a medical office and the Hurley's grew up in this house and there was a law practice and I don't know about uses, but its always been its across from the municipal parking lot and a stones throw from Main Street. I'm happy to answer questions.

Mr. Reilly asked if there were any other questions or comments. When we do get the supplemental submissions there will be more public hearings and you can submit written comments and we encourage you to do so. And none of this is passing on the merits on the application, were at a procedural hold. He asked if there was any other questions.

Ms. Finley said she would like to clarify what they'd like. You would like a narrative explain the seating and floor plans and if it's a swap, you don't need new parking or septic.

Mr. Hammond said you should look at the signed map, the last approved plan should be the starting plan.

Ms. Finley asked if it's the as built?

Mr. Hammond said the approved 2014 plan?

Ms. Finley said yes.

Mr. Reilly said pending receipt of further information, this is off of the agenda at the moment.

4. OZMAR PROPERTIES- 103 MAIN STREET SCTM#905-11-2-20.1

- a. Initial work session on Modification of Site Plan approval for retail store modification to convert a retail store to provide alternate seating for an existing luncheonette and other site improvements.

Gerald Ferrari and David Assalti appeared on behalf of the application. Mr. Assalti said I own 103 Main Street and we did extensive renovations, redoing plumbing electric foundation I'm proposing three parking spaces int eh bank, and I connected to the sewer and I have a 6" slab with heavy duty reinforcing in it and I want to put pavers in outside and there was a mistake by the contractor and they pitched the black top into my property and to alleviate it I raised the grade there and I put black top down to prevent

the water so now the water won't pitch out of my property and will be absorbed by the pavers and the grease trap and I paid additionally to have it larger to have the application for more seats.

Mr. Reilly asked what the expansion is?

Mr. Assalti said it was a jewelry store, and it was next to the restaurant and we want to have an opening in the front of the space and side and they can access that room instead of having them at the bar area. The hatched area is where it is going. This is the parking and we want to review the parking.

Mr. Reilly asked if there is a change to the exterior.

Mr. Assalti said there was a molding on top and I sent that molding out to Canada to fabricate it and they did it and it matches the 1900's building except for the stairs.

Mr. Jones said his wife liked the jewelry store.

Mr. Hammond said the paver portion, and I've talked to the Board of Trustees and they are okay with it and we'll do a highway permit because it's Village property and there was an issue and I think we all agree we like them and as for the changing the use it's a modification of site plan so the dry retail requires the seats as discussed previously. So the existing space had a grandfathering of 2 spaces so then that'll give them 6 seats, and the three parking spaces gives you 9 and that give you `15 seats.

Mr. Hill said the third parking space on the right doesn't look like you can back out, I don't think it works. If you opened the driveway some I think it will work, but the way its configured now it won't work.

Mr. Hammond said there is a drop sidewalk there.

Mr. Assalti said there is a planter and sidewalk and that's extensive work.

Mr. Reilly asked if they could move the dumpsters around.

Mr. Hill said if you pull the island back and open it up it would work, and the Village just put a sidewalk in there.

Mr. Asalti said that wont get removed. In a practical sense what we're trying to achieve is the elimination and creating spaces to eliminate people from parking on main street. In reality we are giving the Town the extra spot even though the design is funky it can be used.

Mr. Hill said yes, that's true. If space two is not occupied, you can get out.

Mr. Hammond said we don't want the public parking here.

Mr. Pasca said there are no dimensions.

Mr. Hill said they look big enough.

Mr. Logozzo asked if you can make the curb wider?

Mr. Hammond said we just did the sidewalk as part of the sewer project, and I know Mr. Asalti was part of the project and not a lot of properties don't have access like he does. I don't know that they'll tear that up to slide it down.

Mr. Reilly said if the motivation is to keep it I would assume its employee parking. The public won't try to park.

Mr. Hammond said there shouldn't be parking; if this Board were to approve it we can put signage up they can move it.

Mr. Reilly agreed. Does he need to try to reconfigure them?

Mr. Hill said I don't think you can get three parking spaces without it being employee and some acknowledgement that if number three needs to get out two can move the car. If space 1 and 2 are occupied you can't get in to space three so it's not usable.

Mr. Neubauer said the employees will have to be instructed to pull into space three.

FILL APPLICATION REVIEW: NONE

WORK SESSION AGENDA

TRUSTEE REFERRAL:

SUBDIVISION REVIEW: NONE

SITE PLAN REVIEW: NONE

FILL APPLICATION REVIEW: NONE

MINUTES:

1. APRIL 26, 2023
Motion was made by Mr. Neubauer to adopt the minutes of the April 26, 2023 meeting; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.
2. MAY 11, 2023
Motion was made by Mr. Logozzo to adopt the minutes of the May 11, 2023 meeting; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 0 absent, 1 abstain.
3. MAY 25, 2023
Motion was made by Mr. Logozzo to adopt the minutes of the May 25, 2023 meeting; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 0 absent, 1 abstain.
4. JUNE 8, 2023
Motion was made by Mr. Logozzo to adopt the minutes of the June 8, 2023, meeting; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 0 absent, 1 abstain.

HOLDOVERS:

1. 85 & 105 MONTAUK LLC- 85 &105 MONTAUK HWY SCTM#905-5-1-12, 53.1 &52.2
2. ROGER'S AVENUE ASSOCIATES- ROGER'S AVENUE SCTM#905-3-1-7.1-7.7)
3. PRIME STORAGE- 98 DEPOT ROAD SCTM#905-2-1-19.1
4. WH EQUITY GROUP LLC- 12, 22, 80 MONTAUK HWY & 11 OLD RIVERHEAD ROAD SCTM#905-4-1-22.1, 23, 26.3, 30.1
5. 55 OLD RIVERHEAD ROAD LLC- 55 &59 OLD RIVERHEAD ROAD SCTM#905-4-1-7, 9.2, 9.3
6. FIRST DUNES DEVELOPMENT 496 LLC- 496 DUNE ROAD SCTM#905-16-1-19
7. 10 MITCHELL OWNER LLC- 10 MITCHELL ROAD SCTM#905-11-2-3
8. WESTHAMPTON PROPERTY MANAGEMENT LLC- 141 MONTAUK HWY SCTM#905-5-2-6.1
9. DRL IRREVOCABLE TRUST & CAROL SCHECTER- 12 PONTUNK LANE & 42 STEVEN'S LANE SCTM#905-11-1-3.2 & 7
10. BMB ENTERPRISES INC.- 145 MAIN STREET SCTM#905-11-2-29 (8/10/2023)
11. ROBERT SCHOENTHAL- 22 BAYFIELD LANE SCTM#905-10-6-2 (8/24/2023)
12. NEW YORK CANCER & BLOOD SPECIALISTS- 40 MAIN STREET SCTM#905-12-3-15
13. WESTHAMPTON COUNTRY CLUB- 35 POTUNK LANE SCTM#905-9-3-23.1
14. 161 MONTAUK HWY LLC, 161 MONTAUK HWY SCTM#905-5-2-12.1
15. WESTHAMPTON INN, LLC, 43 MAIN STREET SCTM#905-11-1-15

FUTURE MEETINGS:

1. THURSDAY, JULY 13, 2023
2. THURSDAY, JULY 27, 2023

Motion was made by Mr. Reilly to adjourn the meeting at **6:35 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.